

ORDINANCE NO. 27-2007

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 51, OF THE CODE OF ORDINANCES OF THE TOWN OF LAKE PARK ENTITLED "LAND DEVELOPMENT REGULATIONS" TO PROVIDE FOR THE RECOVERY OF LEGAL COSTS AND FEES INCURRED BY THE TOWN FOR THE REVIEW AND PROCESSING OF DEVELOPMENT PLAN APPLICATIONS INCLUDING THE PREPARATION OF DEVELOPMENT ORDERS AND LEGAL INSTRUMENTS ASSOCIATED THEREWITH; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park, Florida is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapters 163 and 166, Florida Statutes; and

WHEREAS, the Town Commission has adopted general provisions pertaining to land development, which have been codified in Chapter 51 of the Code of Ordinances of the Town of Lake Park; and

WHEREAS, Town staff has recommended to the Town Commission that Code Section 51-6(b)(1) of the Town Code be amended authorizing the Town to recover legal costs and fees, incurred by the Town in the review and processing of applications for development orders including the preparation of Development Orders and legal instruments associated therewith.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA:

Section 1. The whereas clauses are incorporated herein as true and correct and as the findings of the Town Commission.

Section 2. Chapter 51, Section 51-6, of the Code of Ordinances of the Town of Lake Park, Florida is hereby amended to read as follows:

Sec. 51-6. Fees for application development review.

(a) ~~Plan review and escrow account fees.~~ The town commission may from time to time establish and amend the fee schedule for development order application fees by resolution. The plan review fees shall be collected by the town's department of community development to ~~mitigate~~ cover the administrative costs of its review of the applications.

(b) Recovery of additional legal and consultant costs and fees. In addition to plan review fees, the town may recover the costs and fees related to referenced below, applications for development, including, but not limited to the those applications specified in the table contained in Section 51-6 of Chapter 51 following:

(1) Consultant fees and costs incurred by the town may be billed to applicants by the Town to recover the to review of such professional documentation reports such as a property appraisal, traffic impact analysis, vegetation and environmental assessments, archeological or historic assessments, market studies, engineering studies, review fees or reports: attorney's fees, and legal documents.

(2) An applicant for any application for development review listed in the table in Section 51-6 shall, reimburse the Town for legal costs and fees the Town incurs in processing applications for development review. The costs and fees billed to an applicant by the Town shall be the same costs and fees actually billed to the Town, in accordance with paragraph 3(a) of the Agreement between the Town and the Town Attorney. An applicant shall reimburse the Town for such costs and fees within 10 days of receipt of an invoice from the Town. Failure by an applicant to reimburse the Town within 10 days shall result in the cessation of the review of the application until the Town is fully reimbursed. In addition should the Town not be reimbursed the Town may serve a notice of violation and subsequently a notice of hearing for a hearing before the Town's Special Magistrate.

(3) Additional costs associated with the department of community development's review of an application for development.

~~(2)(c)~~ Costs associated with providing notice for public hearings or other public meetings.

~~(3)(d)~~ Escrow Accounts. The Community Development Director may require the deposit of escrow account fees. In cases where additional costs and fees described hereinabove are anticipated or incurred, the Community Development Director may require an applicant shall to deposit an amount estimated by the ~~town~~ Director to be sufficient to recover ~~it's~~ the Town's costs and fees into an escrow account created by the town. Upon completion of

the review of the development applications, the applicant ~~shall~~ will be refunded any unused amount deposited into the escrow account

Section 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 4. Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. Codification. The sections of the Ordinance may be made a part of the Town Code of Laws and Ordinances and may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

Section 6. Effective Date. This Ordinance shall take effect immediately upon adoption.

Upon First Reading this 3 day of October, 2007,
the foregoing Ordinance 27-2007, was offered by Commissioner Carey
who moved its approval. The motion was seconded by Commissioner Balius,
and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR PAUL CASTRO	<u>X</u>	<u> </u>
VICE MAYOR ED DALY	<u>X</u>	<u> </u>
COMMISSIONER CHUCK BALIUS	<u>X</u>	<u> </u>
COMMISSIONER JEFF CAREY	<u>X</u>	<u> </u>
COMMISSIONER PATRICIA OSTERMAN	<u>X</u>	<u> </u>

Upon Second Reading this 17 day of October, 2007, the foregoing
Ordinance 27-2007, was offered by Commissioner Carey who
moved its adoption. The motion was seconded by Commissioner Balius,
and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR PAUL CASTRO	<u>X</u>	<u> </u>
VICE MAYOR ED DALY	<u>X</u>	<u> </u>
COMMISSIONER CHUCK BALIUS	<u>X</u>	<u> </u>
COMMISSIONER JEFF CAREY	<u>X</u>	<u> </u>
COMMISSIONER PATRICIA OSTERMAN	<u>X</u>	<u> </u>

The Mayor thereupon declared Ordinance No. 27-2007 duly passed and adopted this
17 day of October, 2007.



Vivian Mendez
Vivian Mendez
Town Clerk

TOWN OF LAKE PARK, FLORIDA

BY: Paul Castro
Mayor, Paul Castro

Approved as to form and legal sufficiency:

Thomas J. Baird
Thomas J. Baird, Town Attorney